

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

MIDLAND-ODESSA DIVISION

CASE NO.: 7:15-cv-131

THOMAS POLANIEC,

Plaintiff,

vs.

QUALITY LOGGING, INC. and
DAVID WATTS and
DAVID ANDERSON and
PAUL D. SIMMONS,

Defendants.

COMPLAINT

{Jury Trial Demanded}

Plaintiff, THOMAS POLANIEC, through counsel, sues Defendants, QUALITY LOGGING, INC., DAVID WATTS, DAVID ANDERSON and PAUL D. SIMMONS and alleges the following:

1. This is an action for unpaid overtime brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, Et. Seq.
2. Plaintiff resides in Texas and is a past employee of Defendants.
3. Defendant, QUALITY LOGGING, INC. is a domestic for profit corporation which is registered with the State of Texas and conducts business within this judicial district.
4. At all times material hereto, Defendant QUALITY LOGGING, INC. was engaged in commerce in the area of the Hydrocarbon Well Logging Industry. In

furtherance of said business, Defendants' employees handled, otherwise worked on goods or materials and handled tools and equipment that have been moved in or produced for such commerce.

5. At all times material hereto, Defendant QUALITY LOGGING, INC. was the "Employer" of Plaintiff as that term is defined under statutes referenced herein and was "Enterprise" as it along with its employees was engaged in interstate commerce as described above and has annual gross sales and/or business volume of \$500,000 or more.
6. Defendants, DAVID WATTS, DAVID ANDERSON and PAUL D. SIMMONS are residents of the Western District of Texas and at all times material hereto, were the managing agents of Defendant, QUALITY LOGGING, INC.; said Defendants acted and acts directly in the interests of the Defendant, QUALITY LOGGING, INC., in relation to said co-Defendant's employees. Defendants effectively dominated QUALITY LOGGING, INC.. administratively or otherwise acts, or had the power to act, on behalf of the corporation vis-a-vis its employees and had the authority to direct and control the work of others. Thus, DAVID WATTS, DAVID ANDERSON and PAUL D. SIMMONS were an "employer" of the Plaintiff within the meaning of 29 U.S.C. §203(d)
7. In justifiable reliance upon Defendants' representations and promises, Plaintiff accepted employment and began working for Defendants as a Rigger.
8. Defendants employed Plaintiff during the relevant time period of 8/22/12 to 4/29/15.

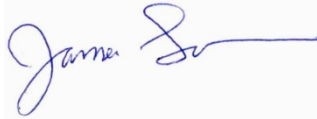
9. During Plaintiff's employment with Defendants, Plaintiff worked on the average of 70 hours per week and was never paid overtime pay.
10. Defendants knowingly and willfully refused to tender payment of legally owed wages owed to Plaintiff.
11. Plaintiff has complied with all conditions precedent to bringing this suit, or same have been waived or abandoned.
12. Plaintiff has retained the services of the undersigned and is obligated to pay for the legal services provided.

COUNT I
VIOLATION OF FAIR LABOR STANDARDS ACT ("FLSA")
(ALL DEFENDANTS)

13. Plaintiff reavers and realleges paragraphs 1-12 herein.
14. Plaintiff alleges this action pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 216 (b), that Plaintiff is entitled to: (i) overtime pay, and (ii) liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.
15. Plaintiff seeks recovery of damages as referenced above and further seeks costs, and attorney's fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally plus costs, reasonable attorney's fees, and such other remedy as the court deems just and appropriate.

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A handwritten signature in blue ink, appearing to read "James Loren", with a long horizontal flourish extending to the right.

James M. Loren, Esquire
FL Bar No.: 55409